

FILED
HARRISBURG, PA

OCT 31 2023

PER  DEPUTY CLERK

IN THE
UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

George Ivan Lopez)	Case No: 3:21-Cv-1819
Plaintiff,)	Hon. Christopher C. Conner
-VS-)	Hon. M.J. Karoline Mehalchick
John Wetzel, et al.,)	
Defendants.)	

**Plaintiff Lopez's seeks leave of court
pursuant to rule of Federal Civil Procedure Rule (21)**

Now comes the Lead Plaintiff in the above caption matter for the third time files this same matter to the court upon which seeking an order dropping three Plaintiff, and in support states as follows:

1. Here Lead Plaintiff Lopez, and five other Plaintiff's initially filed [one] collective civil complaint to initiate this action (Doc-1), however, it appears that Plaintiffs are now attempting to file individual pleadings under the same civil action number 3:21-cv-1819.

2. First Plaintiff Jose Uderra, is no longer incarcerated and out in the free world. There is obsilutely no commuicaton with this lead Plaintiff.

3. Second Plaintiff Darien Houser and Ralph Stokes whom are currently seeking indipendent representation for themselves and are wishing to bring forth their own independent claims and allegations and briefs.

4. Plaintiff Lopez, Watkins and Poplawski are in tack, and will continue together all the way to Trial. Plaintiff Lopez, strongly believes that keeping three plaintiffs under the same civil number will foster the objective of Federal Rules if kept under Lopez V. Wetzel, 3:21-cv-1819, which will result in prejudice, unnecessary expenses or unnecessary delay. This Court has full discretion with respect to severance allowing a Court to consider, in addition to the

requirements of **Rule 21**, other relevant factors in a case in order to determine whether the removal of a party with the principles of fundamental fairness. See: 2020 U.S. Dist. Lexis 51.

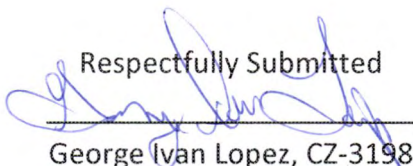
5. Furthermore, Plaintiff Darien Houser recently was served with a Federal Inditement for attempting to bring drugs into the institution and this Lead Plaintiff **Do not** want his action to reflect in Lopez V. Wetzel, which we all know that the Defendants would use anything and everything to prejudice the plaintiff.

Discussion:

6. Rule 21 of the Federal Rules of civil Procedure s provides that "[on]" motion or on its own, the Court may at any time, on just terms and or drop a party. The Court may also sever any claims against a party similarly, a district Court had broad discretion in deciding whether to sever a party or claim pursuant to Rule 21. Although Rule 21 is most commently invoked to sever parties improperly jointed under **rule 20**. "the Rule may also be invoked to prevent prejudice or promote judicial efficiency. See: Lopez V. City of Irvington, No. 05-cv-5323, 2008 U.S. Dist. Lexis 14941, 2008 WL 565776,*2 (D.N.J. Feb. 28, 2008). (same) see. also Spatz V. Pernnsylvania Grayhound Line, I*nc; 143 F.2d 105 (3rd. Cit. 1944) (same) see Asso. V. Bitff, 398 F.2d 614 (2d Cir. (Not limting Rule 21 severance to case of misjoinder and non joinder of parties.To contrue a case for the efficient administration of Justice).

WHEREFORE: for the reasons et forth above and the importance in the interest of justice and of this matter. Plaintiff, Lopez Moves the Court to open a new and seperate individual matter for each of the Plaintiffs. removing Jose Uderra, Darien Houser and Ralph Stokes; keeping Lopez, Watkins and Poplawski under 3:21-cv-1819.

Respectfully Submitted



George Ivan Lopez, CZ-3198

1200 Mokychic Drive

Collegeville, Pa. 19426

10/23/2023

IN THE
UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

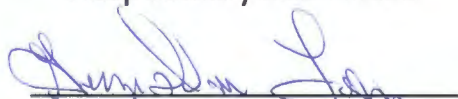
George Ivan Lopez,)	Case No: 3:21-Cv-1819
Plaintiff,)	Hon. Christopher C. Conner
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John Wetzel, et al.,)	
Defendants.)	

Certificate of Service

I, the undersign, hereby verify that on this 23th day of October, 2023, a true and correct copy of the attached Motion Dropping three Plaintiff from the above caption case, served upon Defendants Counsel Mrs. Kim Adams, via First Class Mail which satisfy the courts requirement.

Ms. Kim Adams,
1920 Techonology Parkway
Mechanicsburg, Pa. 17050

Respectfully Submitted



George Ivan Lopez, CZ-3198
1200 Mokychic drive
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~~Smart Communications/ADOC~~

SCI- *Phoenix*

Name *George Lopez*

Number *C2-3148*

PO Box ~~1028~~ *244*

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